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**DISAPPROVAL OF THE PROPOSED PLAN FOR
THE INTERIM RECORD OF DECISION FOR OU
#3**

10/13/93

**USEPA/DOE-FN
10
COMMENTS**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60601-3590

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REPLY TO THE ATTENTION OF:

Mr. Jack R. Craig
United States Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

HRE-BJ

RE: Disapproval of the Proposed
Plan for the Interim Record
of Decision for OU #3

Dear Mr. Craig:

The United States Environmental Protection Agency (U.S. EPA) has completed its review of the Proposed Plan (PP) for the Interim Record of Decision (ROD) for Operable Unit (OU) 3. The PP proposes to decontaminate some 200 structures in the Production Area, remove stored materials from the structures, dismantle the structures, and store the majority of waste and debris prior to the final ROD for OU 3 in improved storage structures.

Although the PP generally explains the rationale for the interim action, the PP does not fully discuss the scope and role of the interim action in relation to other Production Area activities and the entire site cleanup. Also the plan incorrectly applies several of the nine evaluation criteria as specified in the National Oil and Hazardous Substance Contingency Plan.

The PP presents a risk assessment analysis for the purpose of supporting documentation to satisfy the National Environmental Protection Act (NEPA). The risk assessment analysis presented in the PP is not required for such an interim action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Therefore, the risk assessment should be included as an appendix to the PP with a discussion of its NEPA requirements specified in the document. In addition, a risk assessment summary must be added to the PP which should: (1) identify, describe, and justify all major risk assessment assumptions; (2) identify and discuss all major types of risks, including radiation, chemical, carcinogenic, and noncarcinogenic; (3) discuss potential short-term impacts; and (4) discuss the proposed engineering controls and monitoring.

Therefore, U.S. EPA disapproves the PP for the Interim ROD for OU #3 pending incorporation of the attached comments.

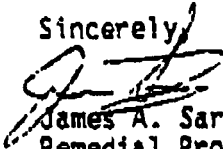
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The United States Department of Energy must incorporate the comments into the PP and submit a revised document to U.S. EPA within thirty (30) days receipt of this letter.

Please contact me at (312) 886-0992 if you have any questions.

Sincerely,



James A. Saric
Remedial Project Manager

cc: Graham Mitchell, CEPA-SWDO
Pat Whitfield, U.S. DOE-HDQ
Nick Kaufman, FERMCO
Jim Thiesing, FERMCO
Paul Clay, FERMCO

10-19-1993 12:23

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MARY

P.04

10-19-1993 12:19

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US DEPT of ENERGY
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P.03

SENT BY: U.S. EPA

10-19-93 : 9:58AM :

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ENCLOSURE 1

**TECHNICAL COMMENTS ON THE
DRAFT PROPOSED PLAN FOR
INTERIM ACTION AT OPERABLE UNIT 3**

(Nine Pages)

TECHNICAL COMMENTS ON THE DRAFT
PROPOSED PLAN FOR INTERIM ACTION AT OPERABLE UNIT 3

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GENERAL COMMENTS

Commenting Organization: U.S. EPA Commentor: Saric
Section #: N/A Page #: N/A Line #: N/A
Original General Comment #1

Comment: The introductory section of the draft Proposed Plan (PP) for Interim Action at Operable Unit (OU) 3 should first discuss the purpose of the PP and stress the importance of public input. This discussion should fully explain that a separate remedial investigation and feasibility study (RI/FS) for this interim action has not been conducted and that this PP fulfills the National Oil and Hazardous Substance Pollution Contingency Plan (NCP) requirement for a detailed analysis of alternatives. In addition, the first paragraphs of the PP should identify the lead and support agencies for the Superfund activities being conducted at the Fernald Environmental Management Project (FEMP) site.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: N/A Page #: N/A Line #: N/A
Original General Comment #2

Comment: The PP does not describe coordination of interim action activities with all previously approved removal actions (RA) being conducted or planned at OU3. The PP should fully discuss the scope and role of the interim action for OU3 in relation to other current and planned OU3 response actions. The following RAs should be discussed in the PP:

- . RA #7 - Plant 1 Pad Continuing Release
- . RA #9 - Removal of Waste Inventories
- . RA #13 - Plant 1 Ore Silos
- . RA #14 - Contaminated Soils Adjacent to Sewage Treatment Plant Incinerator
- . RA #15 - Scrap Metal Piles
- . RA #19 - Plant 7 Dismantling
- . RA #20 - Stabilization of Uranyl Nitrate Inventories
- . RA #24 - Pilot Plant Sump
- . RA #25 - Nitric Acid Tank Car and Area
- . RA #26 - Asbestos Abatement Program
- . RA #28 - Fire Training Facility

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Commenting Organization: U.S. EPA Commentor: Saric
 Section #: N/A Page #: N/A Line #: N/A
 Original General Comment #3
 Comment: The scope and role of the interim action and OU3 is not explained in relation to the whole site. The PP should describe the other OUs and the timing for response actions for all OUs. The PP should also briefly describe the numerous RAs, besides those specifically involving OU3 (see Original General Comment #2), because these RAs play an important role in overall risk reduction at the PEMP site.

Commenting Organization: U.S. EPA Commentor: Saric
 Section #: N/A Page #: N/A Line #: N/A
 Original General Comment #4
 Comment: The PP discusses both Alternative No. 0, No Action, and Alternative No. 1, No Interim Action. The Alternative No. 0 discussion is unnecessary and should be deleted.

Commenting Organization: U.S. EPA Commentor: Saric
 Section #: N/A Page #: N/A Line #: N/A
 Original General Comment #5
 Comment: The definitions of the nine evaluation criteria are not wholly consistent with those contained in the NCP and U.S. EPA's RI/FS guidance. The definitions should be revised in accordance with the appropriate specific technical comments that follow.

Commenting Organization: U.S. EPA Commentor: Saric
 Section #: N/A Page #: N/A Line #: N/A
 Original General Comment #6
 Comment: The evaluation criteria of Overall Protection of Human Health and the Environment and Reduction of Toxicity, Mobility, or Volume of Contaminants Through Treatment were not properly applied during the detailed analysis of alternatives and the comparison of alternatives. These sections need to be revised in accordance with the appropriate specific technical comments that follow.

SPECIFIC COMMENTS

Commenting Organization: U.S. EPA Commentor: Saric
 Section #: 1.0 Page #: 1-1 Line #: N/A
 Original Specific Comment #1
 Comment: In accordance with U.S. EPA's "Guidance on Preparing Superfund Decision Documents: The Proposed Plan, The

10-19-1993 12:25

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MARY

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10-19-1993 12:20

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10-19-93 : 9:58AM :

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Record of Decision, Explanation of Significant Differences, The Record of Decision Amendment," dated July 1989, the purpose of the PP should be discussed at the very beginning of the document. Section 1.3 should therefore be moved to Section 1.0.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.0 Page #: 1-1 Line #: 27

Original Specific Comment #2

Comment: In accordance with U.S. EPA guidance, a brief discussion identifying the lead and support agencies for Superfund activities at the FEMP site and the role of each agency in remedy selection should be added after the sentence identifying the statutory authority being used to investigate and clean up the FEMP site.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.1 Page #: 1-3 and 1-4 Line #: 12-29, 1-13

Original Specific Comment #3

Comment: Although it is important to inform the community that without the interim action, exposure to FEMP contaminants is and would be controlled by current maintenance and monitoring programs, presenting this point before presenting the rationale for the interim action makes the argument for interim action less compelling. The rationale for the interim action should therefore be moved before the discussion of current maintenance and monitoring programs.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.1 Page #: 1-4 Line #: 14-28

Original Specific Comment #4

Comment: The rationale in this paragraph should be strengthened significantly. First of all, U.S. EPA guidance is not the "driver" for this action, nor does it give permission to propose an interim action. The Comprehensive Environmental Response Compensation and Liability Act (CERCLA) as amended by the Superfund Amendment and Reauthorization Act (SARA) and the NCP mandate that the lead agency, the U.S. Department of Energy (U.S. DOE) in this case, take action to reduce risk as soon as possible. U.S. DOE is not given permission to act. It is instead required to fulfill its responsibilities as the lead agency for implementing the Superfund program at its facilities. In proposing this interim action, which should save 4 years and over \$300 million dollars, U.S. DOE is meeting its responsibilities as the lead agency. This paragraph should be revised to re-present the rationale

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for this interim action. This paragraph should also be made the first paragraph in Section 1.1.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.1 Page #: 1-4 Line #: 14-28
Original Specific Comment #5

Comment: This paragraph should specifically reference U.S. EPA's "Guide to Developing Superfund No Action, Interim Action, and Contingency Remedy RODs," dated April 1991. This quick reference fact sheet gives an example of an interim action that directly applies to this proposed interim action. The fact sheet states that "Relocating contaminated material from one area of a site (e.g., residential yards) to another area of the site for temporary storage until a decision on how best to manage site wastes is made" is one possible type of interim action.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.2 Page #: 1-5 Line #: N/A
Original Specific Comment #6

Comment: This section should explain in more detail the scope and role of this interim action in relation to OU3 and in relation to other OUs and RAs, especially those involving decontamination and dismantling (D&D) of OU3 components (Plant 1 Ore Silos and Plant 7 Dismantling). See Original General Comments #2 and 3.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.2 Page #: 1-6 Line #: 7-12
Original Specific Comment #7

Comment: The wording of this paragraph makes it seem that the availability of funding is the primary consideration in scheduling specific OU3 components for D&D. The primary consideration in scheduling D&D should be risk reduction. The most contaminated and dilapidated structures should undergo D&D first. This paragraph should be revised to stress these points.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.2 Page #: 1-6 Line #: N/A
Original Specific Comment #8

Comment: The primary reason for implementing this interim action is to save time in implementing the OU3 remedy. The graphic in the draft Fact Sheet for the PP entitled "Comparison of Schedules for the Alternatives" illustrates how the interim action saves time and

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should be included in this section of the PP or elsewhere in the PP, as appropriate.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 2.3 Page #: 2-12 and 2-13 Line #: All
Original Specific Comment #9
Comment: This section does not mention many of the related RAs for OU3. Several of these RAs address D&D of specific OU3 components. This section should be revised to include all the RAs being conducted or planned for OU3. See Original General Comment #2.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 2.0 Page #: N/A Line #: N/A
Original Specific Comment #10
Comment: A subsection should be added to the end of Section 2.0 that qualitatively summarizes risks associated with OU3. As required by U.S. EPA guidance, this new subsection should conclude with the following statement: "Actual or threatened releases of hazardous substances from this site, if not addressed by the preferred alternative or one of the other active measures considered, may present a current or potential threat to public health, welfare, or the environment."

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 3.1 Page #: 3-1 Line #: 8-16
Original Specific Comment #11
Comment: This section should be deleted because it is unnecessary. The discussion of the No Interim Action alternative is sufficient to meet the NCP requirement for evaluation of a no action alternative.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 3.4 Page #: 3-6 Line #: 14-18
Original Specific Comment #12
Comment: This paragraph should be revised to stress that the schedule for OU3 component D&D will be based primarily on risk reduction and will take into consideration the availability of funds, technical considerations, and other factors. See Original Specific Comment #8.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 4.1 Page #: 4-1 Line #: 8-23
Original Specific Comment #13
Comment: Alternatives are evaluated against nine evaluation criteria, not seven evaluation criteria. The modifying

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criteria of state acceptance and community acceptance should be added to the bulleted list. The paragraph after the list should discuss the three categories the nine criteria fall into - threshold, balancing, and modifying - and should explain what each category means. To the extent that state and community concerns are known, they should be discussed in the PP. Also, the discussion of state and community acceptance in Lines 17 to 23 should be moved to separate sections after Section 4.1.7.

Commenting Organization: U.S. EPA Commentor: Saric
 Section #: 4.1.1 Page #: 4-1 and 4-2 Line #: All
 Original Specific Comment #14

Comment: The explanation of the "Overall Protection of Human Health and the Environment" criterion should be revised to conform to the definition in the NCP and U.S. EPA's RI/FS guidance. Specifically, the first sentence and Lines 2 through 5 on Page 4-2 should be revised. Simply stated, this criterion assesses whether an alternative can provide adequate protection in both the short- and long-term through eliminating, reducing, or controlling exposure to contaminants. This criterion explains how adequate protection is achieved and considers short-term or cross-media impacts.

Commenting Organization: U.S. EPA Commentor: Saric
 Section #: 4.1.2 Page #: 4-2 Line #: 6-10
 Original Specific Comment #15

Comment: The explanation of the "Compliance with ARARs" criterion should be revised in accordance with the definition in the NCP. Also, the acronym "ARAR" should be defined, and the waiver concept should be explained. The acronym "TBC" should also be defined and explained, specifically how criteria, policy, or guidance to be considered (TBC) differ from applicable or relevant and appropriate requirements (ARAR). In addition, the word "final" on Line 7 should be deleted; all CERCLA remedial actions (final or interim) must attain ARARs or provide grounds for a waiver.

Commenting Organization: U.S. EPA Commentor: Saric
 Section #: 4.1.2 Page #: 4-2 Line #: 22-24
 Original Specific Comment #16

Comment: An NCP citation should be provided for this statement or else the statement should be deleted.

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Commenting Organization: U.S. EPA

Commentor: Saric

Section #: 4.1.5

Page #: 4-3

Line #: 20-22

Original Specific Comment #17

Comment: The reference to the preferred alternative should be deleted from this discussion because this discussion explains the evaluation criteria and does not present the alternatives evaluation. This section should provide additional information regarding what the reduction of toxicity, mobility, or volume of contaminants criterion evaluates. This section should also explain that although some treatment is proposed in Alternatives 2 and 3, the reduction of toxicity, mobility, or volume of contaminants criterion will be fully evaluated as part of the FS for the final OUI remedial action. U.S. DOE should note that decontamination is not in and of itself treatment that reduces the toxicity, mobility, or volume of contaminants.

Commenting Organization: U.S. EPA

Commentor: Saric

Section #: 4.2.6

Page #: 4-8

Line #: 7-9

Original Specific Comment #18

Comment: This section should discuss the administrative difficulty in continuing to address the deteriorating condition of OUI components using removal authority. Continuing by using removal authority requires multiple studies, plans, regulatory review, and public comment periods for similar actions.

Commenting Organization: U.S. EPA

Commentor: Saric

Section #: 4.2

Page #: 4-8

Line #: N/A

Original Specific Comment #19

Comment: New subsections should be added to address the criteria of State Acceptance and Community Acceptance.

Commenting Organization: U.S. EPA

Commentor: Saric

Section #: 4.3.5

Page #: 4-15

Line #: 24

Original Specific Comment #20

Comment: Decontamination itself does reduce the mobility of contaminants because it does not treat the contaminants - it merely transfers them to other media. On-site treatment of contaminants will occur using existing FEMP facilities based on the discussion in Section 3.0. The discussion in this section should be revised accordingly.

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Commenting Organization: U.S. EPA Commentor: Saric
Section #: 4.3 Page #: 4-16 Line #: N/A
Original Specific Comment #21
Comment: New subsections should be added to address the criteria
of State Acceptance and Community Acceptance.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 4.4.1 Page #: 4-18 Line #: 1-2
Original Specific Comment #22
Comment: This sentence states that Alternative 3 could result in
a potential acceleration of the cleanup of OU3. Before
and after this section, the acceleration of the OU3
cleanup by implementing Alternative 3 is presented in
more certain terms. This sentence should be consistent
with other similar statements in the PP. Also, the
graphic from the draft Fact Sheet for the PP entitled
"Comparison of Schedules for the Alternatives" should
be added to this section because it illustrates the 4-
year time savings that will result from implementing
Alternative 3 very well.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 4.4.5 Page #: 4-30 Line #: 1-12
Original Specific Comment #23
Comment: The discussion in this section should be revised in
accordance with Original Specific Comment #20.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 4.4 Page #: 4-31 Line #: N/A
Original Specific Comment #24
Comment: New subsections should be added to address the criteria
of State Acceptance and Community Acceptance.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 5.1.1 Page #: 5-1 to 5-3 Line #: N/A
Original Specific Comment #25
Comment: The criterion of Overall Protection of Human Health and
the Environment is a threshold criterion; it is not
measured in degrees of overall protection. The
detailed analysis identifies all three alternatives as
being protective, each using different methods. This
section and Table 5-1 should be revised to delete
references to one alternative providing greater
protectiveness than another.

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Commenting Organization: U.S. EPA
Section #: 5.1.5
Original Specific Comment #26
Comment: The discussion in this section and Table 5-1 should be revised in accordance with Original Specific Comment #20. Under the criterion of Reduction in Toxicity, Mobility, or Volume of Contaminants Through Treatment, all comparisons and evaluations must be made in regard to treatment, not other nontreatment factors, even though other nontreatment factors may reduce toxicity, mobility, or volume of contaminants.

Commentor: Saric
Page #: 5-5
Line #: N/A

Commenting Organization: U.S. EPA
Section #: 5.1.6
Original Specific Comment #27
Comment: The section should include a discussion of the difficulty in continuing to address the deterioration of the OQ1 components using removal authority. See Original Specific Comment #18.

Commentor: Saric
Page #: 5-5
Line #: 15-20

Commenting Organization: U.S. EPA
Section #: 5.1
Original Specific Comment #28
Comment: New subsections should be added to evaluate how the three alternatives compare to each other against the State Acceptance and Community Acceptance criteria.

Commentor: Saric
Page #: 5-6
Line #: N/A

Commenting Organization: U.S. EPA
Section #: 5.2
Original Specific Comment #29
Comment: This sentence should be revised by the deletion of the phrase "to the maximum extent possible."

Commentor: Saric
Page #: 5-6
Line #: 19-21

Commenting Organization: U.S. EPA
Section #: 6.0
Original Specific Comment #30
Comment: The purpose of Section 6.0 is unclear. This type of discussion is not required by CERCLA regulations or guidance. Unless U.S. DOE has some other reason to include it, it should be deleted.

Commentor: Saric
Page #: N/A
Line #: N/A

Commenting Organization: U.S. EPA
Section #: 7.0
Original Specific Comment #31
Comment: In the final PP, the dates of the public comment period and the date, time, and place of the public meeting should be included in this section.

Commentor: Saric
Page #: N/A
Line #: N/A